

### REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1, 4 and 8-13 are in the application.

The Examiner rejected claims 1, 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Kodama et al.* U.S. Patent No. 7,226,667 in view of *Sunada et al.* WO 2004/074667 / US 7,392,771 and *Oh* U.S. Patent No. 6,920,859. Claim 4 is rejected as being unpatentable over *Kodama* in view of *Sunada* and further in view of *Oh* and *Gobbels* U.S. Patent No. 6,182,629. Claims 10-13 are rejected over *Kodama* and *Sunada* and *Oh* and further in view of *Gohrbandt* U.S. Patent Application Publication No. 2005/0150476. Applicants respectfully traverse.

Regarding the references to *Sunada* and *Gohrbandt*, Applicants submit that these references are not prior art to the present application. The present application has a priority filing date of February 18, 2004. The reference to *Sunada* has a PCT filing date of January 28, 2004, but the PCT application was not published in English. The PCT publication date of *Sunada* is September 2, 2004, which is after the filing date of the present

invention. Therefore, under 35 U.S.C. 102(e), *Sunada* is not prior art. Similarly, in *Gohrbandt*, the application claims priority from a PCT application that was filed on July 28, 2003. However, this PCT application was also not published in English. The PCT publication date of this PCT application is February 19, 2004, which is also after the priority filing date of the present application.

In the interview of October 23, 2009, Applicants' representative discussed these two references with the Examiner, who stated that a certified English translation of the priority document would be required in order to overcome these references. Applicants submit herewith a certified English translation of *DE 10 2004 007 774.6*, which is the German Priority Application on which the present application is based. Accordingly, Applicants submit that *Sunada* and *Gohrbandt* are not prior art, and claims 1, 4 and 8-13 are patentable over *Kodama*, *Oh* and *Gobbels*.

Furthermore, regarding the reference to *Oh*, this patent does not show that "an outer contour (that is elliptical in cross-section) is formed by a depth of the roughened region that varies over a circumference." According to column 2, paragraph 2, and according to Fig. 2 of *Oh*, the roughness structure of the

outside of the cylinder sleeve in question does have extensions 5 having different dimensions. However, as Fig. 2 shows, these extensions 5, which are of different sizes, are uniformly distributed over the entire outer surface of the cylinder sleeve, and alternate with one another, in pairs. Thus, *Oh* does not show that the outer surface of the sleeve is to be given a specific shape, for example an elliptical cross-section shape, by means of varying the size of the extensions 5. The present invention results in a cylinder sleeve that can withstand great stress on all sides, if its wall thickness is kept constant and its elliptical outer contour is brought about exclusively by means of varying the depth of the roughness structure. Accordingly, Applicants submit that the claims are patentable over the cited references.

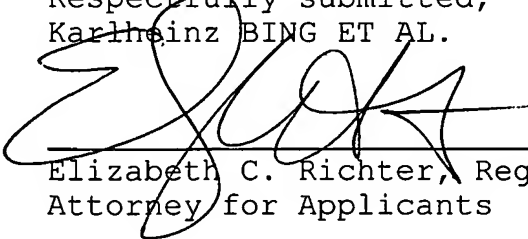
Furthermore, regarding claim 4, the Examiner states that Fig. 4 of *Gobbels* shows a cylinder sleeve having "an outer contour that consists, in cross section, of four arc shaped segments, that are approximately the same size ... ." However, Fig. 4 shows only two segments in the shape of half a circle, having the same size, which lie against one another by way of two flattened regions that lie opposite one another, whereby these flattened regions are planar and very much smaller than the two

segments in the shape of half a circle. Therefore, claim 4 is also patentable over the cited references.

The roughness structure of the cylinder sleeve of Oh, with the extensions 5 that have different sizes, does not implement a specific cross-section shape, like here, of a cross-section consisting of four arc-shaped segments, because extensions 5, which are of different sizes, are uniformly distributed over the outer surface of the cylinder sleeve.

Accordingly, Applicants submit that claims 1, 4 and 8-13 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,  
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Enclosure: Certified English translation of DE 10 2004 007 774.6

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